



ANTHONY G. BROWN, MARYLAND ATTORNEY GENERAL

PRESS RELEASE

FOR IMMEDIATE RELEASE

Media Contacts:
press@oag.state.md.us
410-576-7009

Attorney General Brown Achieves Key Legislative Goals of First 100 Days in Office

Leads Historic Expansion of Civil Rights and Other Critical Protections for Marylanders

Baltimore, MD (April 11, 2023) – Maryland Attorney General Anthony G. Brown announced today the major accomplishments of his first legislative session, including his top priority: providing the Office of the Attorney General broad authority to combat discrimination and enforce federal and state civil rights protections. The new law will allow the Attorney General, for the first time in Maryland history, to join the efforts of the Department of Justice and the Maryland Commission on Civil Rights to protect Marylanders from bias and discrimination.

“In seeking the privilege of becoming Maryland’s Attorney General, I promised that this Office would become a partner in the ongoing struggle to ensure equal rights and opportunities for all Marylanders,” said Attorney General Brown. “From the freedom to choose where to live and who to love, to equity in access to good jobs, quality health care, clean air and water, and protection from harm, Marylanders deserve an Attorney General who can fight on their behalf for these fundamental rights. I am grateful to the General Assembly for making that possible.”

Attorney General Brown also commended the General Assembly’s passage of other key priorities, which include giving the Office authority not only to investigate, but also to prosecute - when warranted - police-involved fatalities and serious injuries likely to result in death. Building on the General Assembly’s historic 2021 police reform efforts, this new law will align the State with best practices in police accountability and increase public confidence that investigations and prosecutorial decisions are independent and transparent.

Other significant achievements include: long overdue legislation protecting consumers against price-gouging and safeguarding vulnerable residents of unlicensed assisted living facilities from abuse and exploitation; increasing support for sexual assault survivors by enhancing safeguards in the handling and tracking of sexual assault evidence kits; strengthening oversight of the wholesale tobacco industry, and expanding the resources and authority of the Office to enhance public safety and prosecute criminal violations of environmental and natural resources laws.

The Attorney General made a commitment to partner with the Governor and General Assembly to ensure that the Office has the authorities and resources necessary to protect and promote the rights and interests of the people it serves. This array of legislative accomplishments reflects that commitment and partnership.

“On my first day in office, I promised an ambitious agenda that would enhance our ability to serve the best interests of Marylanders,” said Attorney General Brown. “We pushed and fought for the authority and resources necessary to fulfill that pledge. Through a strong partnership with the General Assembly and solid support from Governor Moore, we have made real, tangible progress.”

OFFICE OF ATTORNEY GENERAL’S PRIORITY BILLS ENACTED DURING THE 2023 LEGISLATIVE SESSION

Civil Rights Enforcement (Senate Bill 540)

This bill provides the Attorney General broad authority to protect Marylanders from bias and discrimination based on the full panoply of categories protected under State and federal law: race, color, religion or creed, sex, age, ancestry or national origin, marital status, physical or mental disability, sexual orientation and gender identity, genetic information (in employment), and familial status and source of income (in housing). The Attorney General may investigate, file civil complaints, and obtain relief for civil rights violations by private entities in housing, employment, public accommodations, the marketplace, and other arenas important to Marylanders’ exercise of equal rights. The bill also establishes the Civil Rights Enforcement Fund to be used by the Office and the Maryland Commission on Civil Rights for enforcement actions and community outreach and education.

For 53 years, the Maryland Commission on Civil Rights has been the only State entity empowered to combat discrimination. This new authority will enable the Attorney General, like his counterparts in over twenty other states, to join the Commission in the commendable work it has performed for decades to ensure equal rights for all Marylanders.

Independent Investigations Division – Authority to Prosecute (Senate Bill 290)

This bill gives the Attorney General authority, beginning October 1, to prosecute police-involved fatalities and serious injuries likely to result in death. Building on the General Assembly’s 2021 police reform agenda which charged the Attorney General with conducting independent investigations of police-involved fatalities, the new law increases transparency, independence, and community trust not only in the investigation of these cases, but also in the decisions as to whether they should be prosecuted. Thirteen other states have adopted this best practice to ensure impartiality in this crucial area of police accountability.

Consumer Protections Against Price Gouging (House Bill 775/Senate Bill 542)

After many years of effort by the Office of the Attorney General and consumer advocates, this law will finally allow Maryland to join more than thirty states and the District of Columbia that ban price-gouging in some form. Subject to certain exceptions, the statute will, during a state of emergency declared by the Governor, prohibit the sale of essential goods and services by any business at a price of 15% or more above the highest amount charged prior to the state of emergency. Price-gouging will constitute a violation of the Consumer Protection Act and entitle consumers to compensation for inflated charges.

Maryland established a similar, temporary price-gouging ban during the COVID-19 state of emergency, and the Attorney General's Consumer Protection Division has received over 900 price-gouging complaints since the beginning of the pandemic. The Attorney General's Office and consumers alike have long called for a permanent ban.

Assisted Living Programs – The Senator Delores Kelley Residents of Unlicensed Programs Protection Act (House Bill 774/Senate Bill 665)

This law, the product of a collaborative effort between the Office of the Attorney General and multiple state agencies, advocates, and community stakeholders, provides the Attorney General authority to act immediately to protect some of our most vulnerable Marylanders - residents of unlicensed assisted living facilities - from abuse, neglect, and exploitation. With this new authority, the Attorney General's Medicaid Fraud and Vulnerable Victims Unit will be able to investigate and prosecute assisted living facilities found to be operating without a license and subject to credible allegations of abuse, neglect, or exploitation of their residents. Under current law, facilities operating illegally have a 30-day grace period to apply for a license, during which time their abusive and predatory conduct often continues. When they are denied a license, they may transfer residents and begin operating under new ownership. This law closes this dangerous loophole that has left residents of these facilities vulnerable to repeated cycles of abuse and neglect.

Despite over 1,500 licensed Assisted Living Facilities in Maryland, the State has significant unmet needs for affordable assisted living care. Unlicensed assisted living facilities have filled that gap. Yet the absence of regulatory oversight in unlicensed facilities has created serious and widespread risk that these unlicensed facilities become hotbeds for abuse, neglect, and exploitation of vulnerable victims who are unable to protect themselves. This important bill will increase regulatory oversight and enable the Attorney General to take immediate legal action when necessary to protect residents from continuing harm.

Sexual Assault Evidence Collection Kits Legislation (House Bill 759/Senate Bill 615 and House Bill 758/Senate Bill 789)

A top priority of the Attorney General, this package of legislation responds to concerns about the testing and handling of sexual assault evidence collection kits which have left survivors uncertain about test results and law enforcement investigations of their cases.

In keeping with the commitment to enhance justice and accountability in sexual assault cases, the first law requires the Governor's Office of Crime Prevention, Youth, and Victim Services to establish a statewide sexual assault evidence kit (SAEK) reporting and tracking system. This new system will increase the confidence of sexual assault survivors that the evidence used to prosecute their attackers will be better safeguarded and protected. Specifically, it requires any party with custody of a kit – health care providers, forensic lab personnel, law enforcement agencies, and prosecutors – to enter its status and location into the tracking system, which will be accessible only to survivors and key stakeholders.

The second bill extends the time in which law enforcement agencies and hospitals must preserve sexual assault evidence kits from 20 to 75 years. It also requires law enforcement agencies to keep evidence obtained from self-administered kits and directs the Attorney General to issue guidance on the pitfalls of using these kits, including their admissibility in a criminal prosecution, and to identify other resources for sexual assault survivors.

Cigarettes – Wholesalers - Disclosure of Information (House Bill 777/Senate Bill 541)

This legislation strengthens oversight of licensed tobacco wholesalers by requiring that they must submit complete and accurate manufacturer and brand reports to the Maryland Comptroller monthly. This mandate will reduce the chances that erroneous reporting could affect Maryland's monetary recovery by millions of dollars under the 1998 Master Tobacco Settlement Agreement (MSA). The MSA, an agreement between most state Attorneys General and the four largest cigarette manufacturers in the United States, requires the tobacco industry to pay states billions of dollars each year in perpetuity and imposes restrictions on cigarette sales and marketing.

Expanded Criminal Enforcement Authority and Funding

- **Environmental and Natural Resources Crimes Unit (House Bill 874)**

This legislation codifies in law the Attorney General's Environmental Crimes Unit and expands its authority to preserve our environment and natural resources by investigating and prosecuting violations of the State's criminal laws designed to protect these vital resources. The renamed "Environmental and Natural Resources Crimes Unit" will provide the Office with expanded authority while also increasing its capacity with subpoena power, additional resources, and dedicated personnel.

- **Organized Crime Unit (House Bill 200)**

The Attorney General's Organized Crime Unit received a significant increase in personnel to expand its capacity to investigate and prosecute drug and narcotics trafficking, retail crimes, human trafficking, organized carjacking rings, and other violent crimes perpetrated by organized groups. This expansion enables the Attorney General to advance his commitment to reduce violent crime and enhance public safety.

The Attorney General extends his deep appreciation to the Governor, members of the Maryland General Assembly, and the professionals of the Office of the Attorney General for the dedication, professionalism, and commitment that resulted in these legislative achievements.

<https://www.marylandattorneygeneral.gov/press/2023/041123.pdf>